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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,767	03/16/2004	Kazumoto Kondo	09812.0413	3421
22852	7590	08/18/2010		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER PARKER, BRANDON	
			ART UNIT	PAPER NUMBER
			2174	
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			08/18/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/801,767

**Applicant(s)**

KONDO ET AL.

**Examiner**

BRANDON PARKER

**Art Unit**

2174

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Applicant's arguments filed 6/4/2010 have been fully considered but they are not persuasive.

Regarding claim 13, applicant argues Hitaki and Satomi fail to disclose whereby the second display unit is refreshed to display the second cursor in a new location of a new thumbnail picture associated with the new thumbnail picture URL received from the first viewing apparatus.

Examiner respectfully disagrees, Satomi discloses in Fig. 28 a button 2905 is an album notification button. A button 2906 is a button for newly creating an album (i.e. second display unit is refreshed to display the second cursor in a new location of a new thumbnail picture). A button 2907 is a button for deleting an album. A button 2908 is a button for uploading image data. A button 2909 is a print order button. An area 2910 is an area in which buttons for album selection are displayed. On the head portion of this area, the data sizes of images stored in the photosite are displayed, together with its ratio to the allowable capacity. Buttons equal in number to the albums created by the user are arranged below the head portion (Col. 21 lines 37-67) It is understood the newly created album contain a new location of thumbnails which are from a photo site (i.e. a first viewing apparatus). Furthermore Satomi discloses the user selects an image to be printed out from the images browsed on the browser 120. In step S4, the identification information of the selected image is transferred from the photosite 105 to the printsite 109 (temporary print order), (Col. 7 lines 25-35). Fig. 9 discloses the

thumbnail image file path which is associated with the image being transferred when transferred from apparatus to apparatus.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitaka et al (US Publication 2003/0220995 hereinafter, "Hitaka") and Satomi et al (US Patent 7068190 hereinafter, "Satomi").

Regarding claim 13, Hitaka discloses an information processing system comprising a data storage apparatus for storing a plurality of pictures (Par. 0124 lines 1 and 2), a plurality of picture URLs associated with the plurality of pictures, a plurality of thumbnail pictures associated with the plurality of pictures, and a plurality of thumbnail picture URLs associated with the plurality of thumbnail pictures (Par. 0125 lines 1-4, Par. 0459 lines 1-3, Par. 0208 lines 1-16), the data storage apparatus (i.e. photo site) providing the plurality of thumbnail pictures (Par. 0124 lines 1 and 2) and the plurality of thumbnail picture URLs to a first viewing apparatus and a second viewing apparatus (Par. 0208 lines 1-16);

a connection apparatus for connecting the first viewing apparatus and the second viewing apparatus (Hitaka Claim 1) over a network (Internet, Fig. 1 Drawing); Hitaka discloses a first display unit for displaying the plurality of thumbnail pictures received from the data storage apparatus and for displaying a first cursor at a location of one of the plurality of thumbnail pictures, wherein the first cursor is moved on the first display unit based on a user input (Fig. 28, Abstract, Par. 0122- Par. 0126). Hitaka does not explicitly show a second display unit for displaying the plurality of thumbnail pictures received from the data storage apparatus and a receiving unit for receiving the new thumbnail picture URL transmitted by the transmitting unit of the first viewing apparatus, whereby the second display unit is refreshed to display the second cursor in a new location of a new thumbnail picture associated with the new thumbnail picture URL received from the first viewing apparatus, However Hitaka discloses transferring image data stored in a first information processing apparatus (photo site)/a first display unit to a second information processing apparatus (print site)/second display unit, (Abstract)

Satomi discloses a user accesses a Web server (121) in a photosite (105) by using a browser (120) of a user PC (102), browses images, and selects an image which he/she wants to print out (S2, S3). A printsite (109) receives input data indicating a print form, print count, and the like for each selected image (S6), calculates an estimated price by using a print information database (119) in which print unit prices are stored

and the price calculation module (110), and transfers the estimated price to the photosite (105) (S7). The photosite (105) calculates a price while factoring personal information into the estimated price by using a personal information database (118) and a price calculation module (108), and presents the price to the user (S8)(Abstract) wherein is a printsite (i.e. a data storage apparatus) and a photosite (i.e. a viewing apparatus/first display unit) and the printsite manages a receipt number 1701, an image number 1702, a URL 1703 on the photosite 105 which is used to acquire a print image file,(i.e. received from) a URL 1704 on the photosite 105 (i.e. first display unit) which is used to acquire a preview display image file, a URL 1705 on the photosite 105 which is used to acquire a thumbnail image file to be displayed on a print order window (i.e. second display unit) when a temporary print order is placed (Col. 21 line 18-45, Fig. 16, 28, 31, 34, 35). Furthermore Fig. 42 discloses a selection (i.e. cursor detected) of the album and a selection of the printsite at a different location.

It would have been obvious to one skilled in the art at the time of invention to combine the photosite and printsite of Satomi with the information processing system of Hitaka to efficiently transfer images from one apparatus to another. Claims 22 and 28 are similar in scope to claim 13 and are rejected for at least the same reasons.

Regarding claim 14, Hitaka discloses an information processing system of claim 13, wherein, when enlarging a thumbnail picture selected by the first cursor on the first display unit, the first viewing apparatus sends a thumbnail picture URL (i.e. thumbnail

URL) associated with the thumbnail picture to the data storage apparatus (i.e. print site), (Par. 0406 lines 1-4);

the data storage apparatus provides a picture (i.e. image) and a picture URL (i.e. URL) associated with

the thumbnail picture URL to the first viewing apparatus (Par. 0406 lines 4-8); the first display unit displays the picture ; and

the first viewing apparatus (i.e. information processing apparatus) transmits (i.e. transfers) the picture URL to the second viewing apparatus (i.e. another information processing apparatus), (Hitaka Claim 4).

Claims 23 and 29 are similar in scope to claim 14 and are rejected for at least the same reasons.

Regarding claim 15, Hitaka discloses an information processing system of claim 13, wherein at least one of the picture, the picture URL, the thumbnail picture, and the thumbnail picture URL is transmitted from the first viewing apparatus to the second viewing apparatus through the connection apparatus (Hitaka Claim 4).

Claims 24 and 30 are similar in scope to claim 15 and are rejected for at least the same reasons.

Regarding claim 16, Hitaka discloses an information processing method comprising:

storing a plurality of pictures, a plurality of picture URLs associated with the plurality of pictures (i.e. URLs), a plurality of thumbnail pictures associated with the plurality of pictures (i.e. thumbnail URL), and a plurality of thumbnail picture URLs associated with the plurality of thumbnail pictures (i.e. images) in a data storage apparatus (i.e. photo site), (Par. 0127 lines 1-7);

providing the plurality of thumbnail pictures and the plurality of thumbnail picture URLs(i.e. thumbnail image acquisition URL) from the data storage apparatus to a first viewing apparatus and a second viewing apparatus (i.e. photo site), (Par. 0322 lines 1-4);

displaying the plurality of thumbnail pictures received from the data storage apparatus on a first display unit of the first viewing apparatus (Par. 0322 lines 1-4);

displaying a first cursor at a location of one of the plurality of thumbnail pictures on the first display unit (Par. 0323 lines 3-5);

displaying the plurality of thumbnail pictures received from the data storage apparatus on a second display unit of the second viewing apparatus (Par. 0323 lines 3-5);

displaying a second cursor at a location of one of the plurality of thumbnail pictures on the second display unit (Par. 0128 lines 1-5).

connecting the first viewing apparatus and the second viewing apparatus over a network via a connection apparatus (Par. 0223 lines 1-12, Par. 0324 lines 1-4);

receiving, at the first viewing apparatus, a user input for moving the first cursor (Par. 0252); moving the first cursor on the first display unit based on the received user input (Par. 0252); detecting a movement of the first cursor; specifying a new thumbnail picture



at a new location of the first cursor (Par. 0252); Note: Hitaki discloses a method of moving a cursor/button used to select an album wherein a cursor is moved from one thumbnail picture to a specified new thumbnail picture (Par. 0252).

transmitting a new thumbnail picture URL associated with the new thumbnail picture from the first viewing apparatus to the second viewing apparatus (Par. 0169 lines 7-11); receiving, at the second viewing apparatus, the new thumbnail picture URL transmitted from first viewing apparatus (Par. 0321 lines 3-5); and

Hitaka discloses a first viewing apparatus but does not explicitly show refreshing the second display unit to display the second cursor at a new location.

Satomi discloses a user accesses a Web server (121) in a photosite (105) by using a browser (120) of a user PC (102), browses images, and selects an image which he/she wants to print out (S2, S3). A printsite (109) receives input data indicating a print form, print count, and the like for each selected image (S6), calculates an estimated price by using a print information database (119) in which print unit prices are stored and the price calculation module (110), and transfers the estimated price to the photosite (105) (S7). The photosite (105) calculates a price while factoring personal information into the estimated price by using a personal information database (118) and a price calculation module (108), and presents the price to the user (S8)(Abstract) wherein is a printsite (i.e. a data storage apparatus) and a photosite (i.e. a viewing apparatus/first display unit) and the printsite manages a receipt number 1701, an image number 1702, a URL 1703 on the photosite 105 which is used to acquire a print image

file,(i.e. received from) a URL 1704 on the photosite 105 (i.e. first display unit) which is used to acquire a preview display image file, a URL 1705 on the photosite 105 which is used to acquire a thumbnail image file to be displayed on a print order window (i.e. second display unit) when a temporary print order is placed (Col. 21 line 18-45, Fig. 16, 28, 31, 34, 35). Furthermore Fig. 42 discloses a selection (i.e. cursor detected) of the album and a selection of the printsite at a different location.

It would have been obvious to one skilled in the art at the time of invention to combine the photosite and printsite of Satomi with the information processing system of Hitaka to efficiently transfer images from one apparatus to another.

Claims 19 and 25 are similar in scope to claim 16 and are rejected for at least the same reasons.

Regarding claim 17, Hitaka discloses an information processing method of claim 16, further comprising enlarging a thumbnail picture selected by the first cursor on the first display unit by:

transmitting a thumbnail picture URL associated with the thumbnail picture from the first viewing apparatus to the data storage apparatus (Par. 0223 lines 1-12, Par. 0324 lines 1-4);

transmitting (i.e. transferring) a picture and a picture URL associated with the thumbnail picture

URL from the data storage apparatus to the first viewing apparatus (Hitaka Claim 4);

displaying the picture on the first display unit (Par. 0323 line 1-5); and transmitting the picture URL from the first viewing apparatus to the second viewing apparatus (Hitaka Claim 4).

Claims 20 and 26 are similar in scope to claim 17 and are rejected for at least the same reasons.

Regarding claim 18, Hitaka discloses an information processing method of claim 16, further comprising transmitting at least one of the picture, the picture URL, the thumbnail picture, and the thumbnail picture URL from the first viewing apparatus to the second viewing apparatus through the connection apparatus (Par. 0128 lines 1-5).

Claims 21 and 27 are similar in scope to claim 18 and are rejected for at least the same reasons.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON PARKER whose telephone number is (571)270-1302. The examiner can normally be reached on Monday thru Friday 11-8.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boris Pesin can be reached on 571-272-4070. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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